IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.245 OF 2005
IN
WRIT PETITION NO.8942 OF 2003

Smt. Kanchandevi S. Jain ... Applicant

Vs.

Gajanan Dattaram Deolekar
& Anr. ... Respondents

Mr. K.K.V. Kurup for the applicant.

Mr. A.W. Jogdand i/b Chitnis Vaithy & Co. for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 8TH FEBRUARY, 2005.

**P.C.**:-

1. This is a civil application for stay of the impugned orders during the pendency of the petition. By the impugned order of the trial court, the defendant is directed to pay and deposit an amount of Rs.51,165/- in the court. The learned counsel for the defendant states that the defendant had already deposited a sum of Rs.20,000/- in the trial court. In the circumstances, on the defendant depositing another sum of Rs.15,000/- in the trial court, the impugned order of the trial court dated 23/7/2001 and the confirmation order dated 25/6/2003 of the appellate court shall remain stayed during the pendency of this petition.

2. The learned counsel for the plaintiffs states that it may be recorded that this payment is without prejudice to the rights and contentions of the plaintiffs. Hence, it is clarified that the amount, which has been deposited by the defendant is without prejudice to the rights and contentions of both the parties.

3. Civil application is disposed of in the aforestated terms.

4. All concerned to act on ordinary copy of this order duly authenticated by the Sheristedar of this court.

(SMT. RANJANA DESAI, J.)